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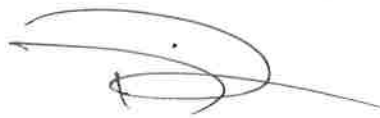
PLEASE TAKE FURTHER NOTICE, that Defendants bring this motion to dismiss the First Amended Complaint pursuant to the Federal Rules of Civil Procedure 12(b)(6) on the following grounds, as set forth fully in its accompanying memorandum of law, for failure to state a cognizable disability discrimination claim under the Americans with Disabilities Act (ADA), the Age Discrimination in Employment Act (ADEA), and New York City Human Rights Law / N.Y.C. Admin. Code §§8-101 *et seq.*, (NYCHRL) because: 1) the pleadings are insufficient to state a cause of action for disability or age discrimination; 2) the facts and law of which the Court may take judicial

notice establish that plaintiff's allegations are meritless; 3) the plaintiff is collaterally estopped from alleging economic damages; and 4) the plaintiff has suffered no damages, economic or non-economic.

PLEASE TAKE FURTHER NOTICE, that pursuant to Local Rule 6.1(b) any opposing affidavits and answering memoranda shall be served within fourteen (14) days after service of the within moving papers.

Dated: March 17, 2017

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Thomas J. Deas', written over a horizontal line.

By:

Thomas J. Deas
Attorney for the Defendants
2 Broadway, Room D21.72
New York, New York 10004
Tel.: (646)252-4359
Email: thomas.deas@nyct.com

CERTIFICATE OF SERVICE

This is to certify that the letter to plaintiff's counsel dated March 17, 2017 (Docket Entry 34), the NOTICE OF MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT, DECLARATION OF THOMAS J. DEAS, ESQ., with exhibits, LETTER TO THE COURT dated March 17, 2017, and MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT, were sent via email to the email addresses shown below and designated by the following attorneys of record:

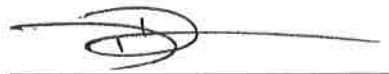
Walker G. Harman, Esq.
wharmon@theharmonfirm.com

Owen H. Laird, Esq.
olaird@theharmanfirm.com

and via priority mail to the address shown below and designated by the following attorneys of record by depositing a true copy of the aforesaid documents in a postpaid properly addressed envelope in a post office at 90 Church Street, New York, New York, under the exclusive care and custody of the United States Postal Service:

Walker G. Harman, Esq.
Owen H. Laird, Esq.
The Harman Firm, LLP
1776 Broadway, Suite 2320
New York, NY 10019

On this 17th day of March, 2017.

A handwritten signature in black ink, appearing to be 'TJD', written over a horizontal line.

Thomas J. Deas (TJD 9226)